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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE GRIGSBY,

Defendant.

CASE NO. 1:22-CR-00150-ADA-BAM

STIPULATION TO CONTINUE CHANGE OF
PLEA HEARING AND ORDER THEREON

Court: Hon. Ana de Alba

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a CHANGE OF PLEA HEARING on October 2, 2023, at 1:00 p.m.

2. By this stipulation, defendant now moves to continue the change of plea hearing until **November 6, 2023 at 8:30 a.m.** before the Hon. Ana de Alba. The reason for the continuance is the defendant's counsel's unavailability. The rescheduled date is the earliest date that the Court has available. Thus, the proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video,

1 audio recordings, cell phone extractions, and other voluminous materials. All of this discovery
2 has been either produced directly to counsel and/or made available for inspection and copying.

3 b) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 c) The government does not object to the continuance.

7 d) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of October 2, 2023, to November 6,
12 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) because
13 it is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or
14 the existence of novel questions of fact or law, that it is unreasonable to expect adequate
15 preparation for pretrial proceedings or for the trial itself within the time limits established by this
16 section and because the ends of justice served by taking such action outweigh the best interest of
17 the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21
22 IT IS SO STIPULATED.

23 Dated: September 22, 2023

PHILLIP A. TALBERT
United States Attorney

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25 By: /s/ JUSTIN J. GILIO
26 JUSTIN J. GILIO
27 Assistant United States Attorney
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1 Dated: September 22, 2023

/s/ Steve Crawford
Attorney for Defendant Andre Grigsby

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3
4 IT IS SO ORDERED.

5 Dated: September 22, 2023


UNITED STATES DISTRICT JUDGE